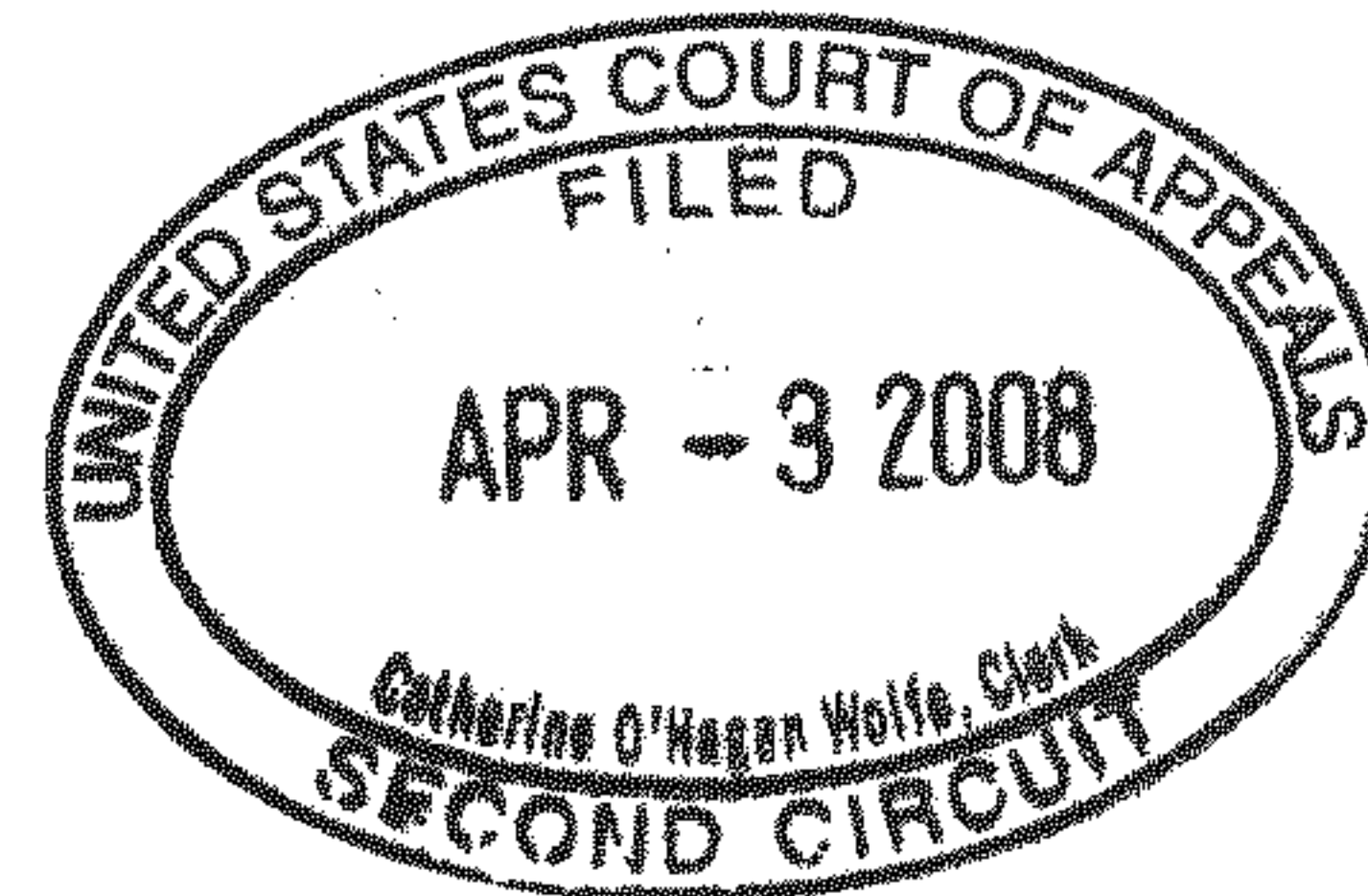


MANDATES.D.N.Y.-N.Y.C.
08-cv-65
Wood, C.J.**United States Court of Appeals**
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 3rd day of April, two thousand eight,

Present:

Hon. José A. Cabranes,
Hon. Rosemary S. Pooler,
Hon. Robert A. Katzmann,
Circuit Judges.



In re Charles Simon,

08-0115-op

Petitioner.

Charles Simon,*Plaintiff-Appellant,*

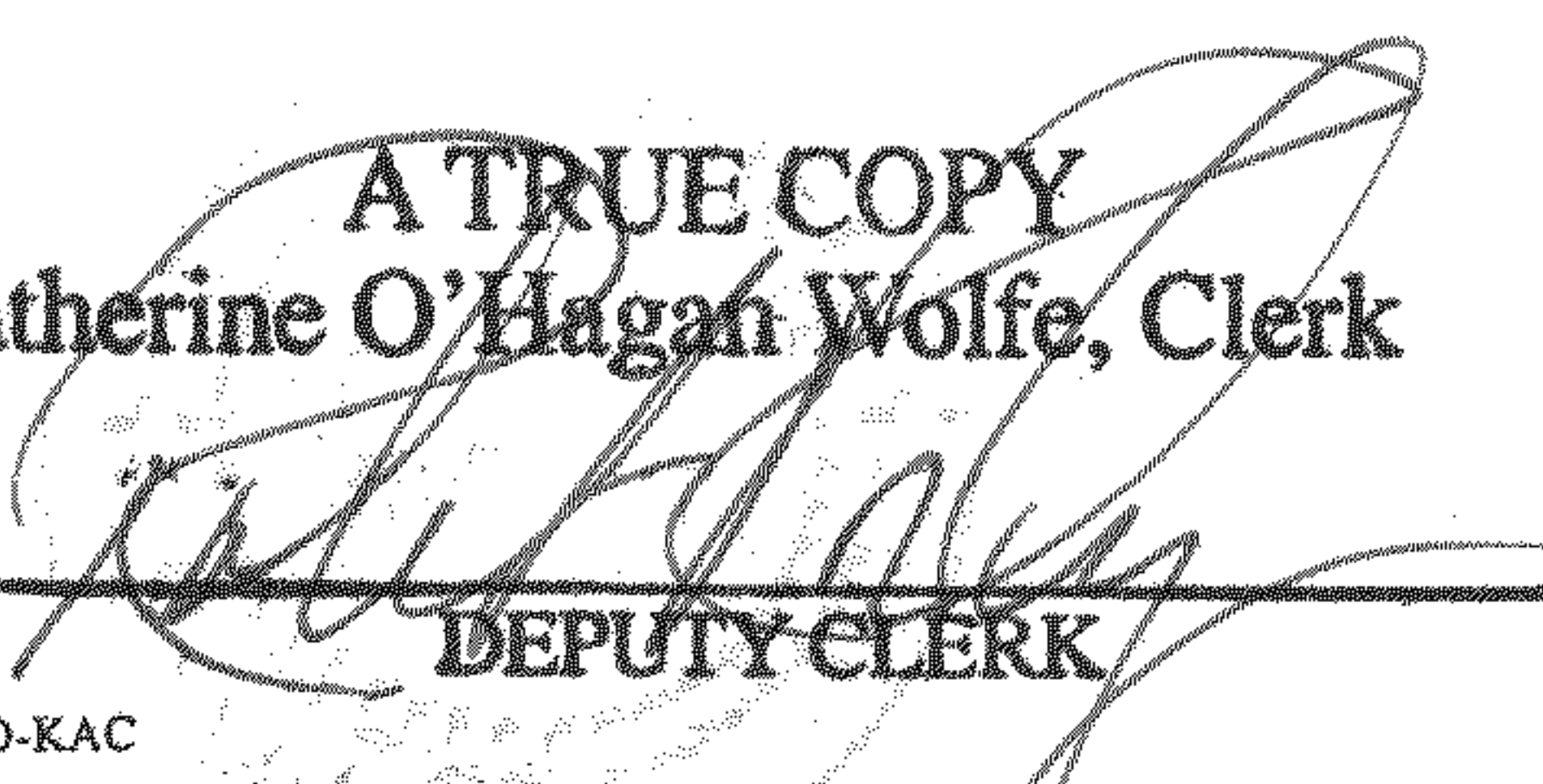
v.

08-0676-pr

Federal Prison Industries, Inc., *et al.*,*Defendants-Appellees.*

Petitioner, *pro se*, has filed a petition for a writ of mandamus and moves for leave to proceed *in forma pauperis*, an "Emergency Immediate Appeal," a "Mandatory Injunction" pending appeal, consolidation of Dkt. No. 08-0115-op with Dkt. No. 08-0676-pr, and reconsideration of this Court's February 29, 2008 order in Dkt. No. 08-0115-op. Upon due consideration, it is hereby ORDERED that Appellant's motion to consolidate is DENIED. It is further ORDERED that Appellant's motions for an "Emergency Immediate Appeal" and a "Mandatory Injunction" pending appeal are construed as filed under Dkt. No. 08-0676-pr. It is further ORDERED that, in Dkt. No. 08-0115-op, Appellant's motion for reconsideration is DENIED. It is further ORDERED that, in Dkt. No. 08-0676-pr, the motions to proceed *in forma pauperis*, "Emergency Immediate Appeal," and a "Mandatory Injunction" pending appeal are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk

by 

DEPUTY CLERK

SAO-KAC

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By: 

- ISSUED AS MANDATE 4-28-08